



Memorandum

TO: Historic Landmarks Commission

FROM: Courtney Damkroger

**SUBJECT: SECOND DRAFT REPORT ON
CONSERVATION AREAS**

DATE: July 30, 2002

APPROVED:

DATE:

BACKGROUND

Since January 2002, Planning staff has been working on a proposal for better defining the Conservation Area program in San Jose and codifying it in Chapter 13.48 of the City's Municipal Code. The original draft proposal submitted to the Historic Landmarks Commission in April 2002 has been revised to reflect the comments generated through numerous forums. Comments from all community, individual and other meetings and forums have been summarized in the attached document entitled: Summary of Comments on the Conservation Area Study. These comments were used as the basis for revising the original draft proposal presented to the Landmarks Commission. The current proposal for designating Conservation Areas is found below.

Rather than repeat information provided previously to the Landmarks Commission, relevant background information has been attached to this memorandum. Attached please find:

- A copy of the staff report and attachments for the May 22, 2002 Planning Commission Study Session. This staff report is slightly revised from the April 3, 2002 Landmarks Commission staff report. It includes all of the background information from the conservation area study.
- List of participant organizations and associations in the Conservation Area Study
- Copy of Chapter 13.48 (Historic Preservation Ordinance) of the San Jose Municipal Code

ANALYSIS

It is anticipated that whatever designation process for conservation areas is ultimately fashioned would be codified in the Historic Preservation Ordinance, Chapter 13.48 of the San Jose Municipal Code. The proposal is scheduled for a Planning Commission Study Session on August 14th. The proposal is scheduled to go to City Council in October. The Landmarks Commission may wish to have an update on the process at the September 4th Commission meeting.

In reviewing the material it is important to note that many people contributed to the preparation and clarification of this process and that many worthwhile suggestions have been made for improving planning processes. Staff attempted to record all suggestions and include them in the Summary document. Many of the recommendations deal with permitting processes that, while related to conservation areas, do not pertain directly this effort. These suggestions could be

addressed through revisions to other processes, for example, revisions to the Single Family House Permit process contained in Title 20 of the Municipal Code.

Recommended Draft Proposal:

The conservation area approach is generally used around the country to preserve and enhance neighborhood character in areas that have a cohesiveness or character, but that do not merit consideration as an historic district. In some cases, the conservation area approach is used where designation as an historic district is not supported by residents.

The draft proposal relies upon the process established for historic district designation in Chapter 13.48 of the Municipal Code. The following revisions to the original conservation area proposal are summarized below:

- Revisions to the original conservation area definition and criteria
- When a nomination is made by the neighborhood 51% of the property owners must consent as opposed to 60% for historic districts (*note, this is only required when the neighborhood is nominating the area*)
- Proposal that, like historic districts, conservation areas be recorded on property records

Definition: The purpose of conservation areas is to provide a designation tool to recognize as well as to preserve and enhance the character of qualifying neighborhoods. Conservation Area shall mean a geographically definable area of urban or rural character with identifiable attributes embodied by architecture, urban design, development patterns, setting, geography and history.

Criteria That the conservation area must meet the proposed definition and one or both of the following criteria:

1. The neighborhood or area has a distinctive character conveying a sense of cohesiveness through its design, architecture, setting, materials, natural features and history, or
2. The neighborhood or area reflects significant geographical or developmental patterns associated with different eras of growth in the City.

Procedures: It is proposed that an area may be nominated as a conservation area by the City Council, Planning Commission, Historic Landmarks Commission, or by application of persons who own fifty-one percent of the land proposed to be included in the district or the authorized agents of such owners. The process is proposed to mirror that of historic district designation, employing the criteria noted above.

In addition, it is recommended that the application process include a statement of the area's special character as documented by an historic resource survey conducted in compliance with the standards of the California Office of Historic Preservation and including at least a Primary Record (DPR 523A) for each contributing resource in the conservation area and a statement of significance justifying the area boundaries and special significance of the conservation area as well as how it meets the criteria set forth above.

With regard to design review, homes in conservation areas are subject to the Single Family House Permit process found in Title 20 of the Municipal Code. The two alternatives initially proposed for assistance through design guidelines remain.

1. Continue the current process of staff review of exterior alterations, increase in habitable area, new construction and demolition requiring a Single Family House Permit and utilizing the Single Family Design Guidelines. However, it is suggested that the Guidelines be revised with language that addresses the significance and special character of individual conservation areas.
2. A second alternative is the drafting of detailed Design Guidelines specifically tailored to the particular character of each conservation area. Among the items to be addressed would be architectural styles, appropriate exterior treatments, integration of new construction, the character of the streetscape, use of landscaping and more. A history of each conservation area would be included in the guidelines. These conservation area specific guidelines would be used in place of the existing Single Family Design Guidelines.

It is recommended in both cases that the guideline revisions or new guidelines be adopted by City Council, and that they be voluntary but strongly recommended. The guidelines will help property owners, architects, builders and designers in project preparation. The guidelines will also be used by City staff, Landmarks Commission, Planning Commission and the City Council as criteria for making permit decisions and recommendations. It is also recommended that the Secretary of the Interiors Standards for the Treatment of Historic Properties be used as the basis for drafting the guidelines.

It should be noted that Planning, Housing and the San Jose Redevelopment Agency have begun working with a historic consultant to draft design guidelines for the Hensley Historic District. It is proposed that those guidelines will start with a master set of guidelines addressing the major residential styles in San Jose. While these guidelines will not be completed until after the start of the new year, they may provide a model for design guidelines in city conservation districts.

RECOMMENDATION

Planning staff recommends that the Landmarks Commission review the enclosed material and provide comments on the proposed draft conservation area program. The Landmark Commission's comments will be incorporated into future reports to the Planning Commission and the City Council.

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Attachments

Pbce/001/H/8-7-02/Second Draft Report Conservation Areas